

Agency Information Guide 2022 - 2023

*Government Information
(Public Access)
2009 (NSW) Act*

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General Manager

Preface

Ken Liddell GENERAL MANAGER

This Information Guide has been prepared and reviewed in accordance with Section 20 of the *Government Information (Public Access) Act 2009* (NSW) (**GIPA Act**) and is reviewed annually.

The purpose of this Guide is to provide members of the community, Council staff, and visitors with information concerning:

- The structure and functions of Cessnock City Council (**Council**);
- The way in which the functions of Council affect members of the public;
- The avenues available to enable the public to participate in policy development and the exercise of Council's functions;
- The types of information available from Council and how this information is made accessible.

The Information Guide was approved on 7 November 2022 and is available on Council's website (www.cessnock.nsw.gov.au)



Document Administration

Revision	Date
Initial Adoption by General Manager	6 July 2010
Annual Review – Adopted by General Manager	26 July 2011
Annual Review – Adopted by General Manager	12 July 2012
Annual Review – Adopted by General Manager	19 Feb 2014
Annual Review – Adopted by General Manager	22 Nov 2017
Annual Review – Adopted by General Manager	22 Jul 2019
Annual Review – Adopted by General Manager	24 August 2020
Annual Review – Adopted by General Manager	3 August 2021
Annual Review – Adopted by General Manager	7 November 2022

Section 1

About Cessnock City Council

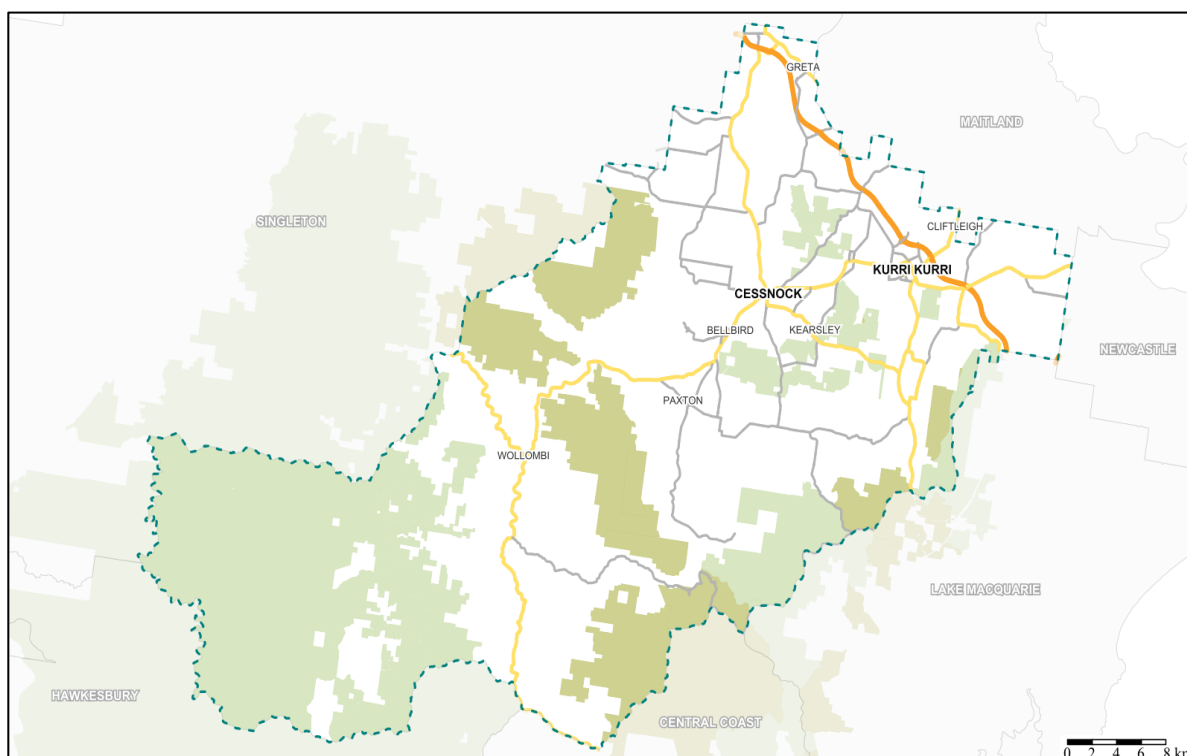
1.1 Geography and Population

The Cessnock Local Government Area (LGA) covers 1,966 square kilometres and is located in the Hunter Valley, New South Wales, approximately 120 kilometres north of Sydney and 40 kilometres west of Newcastle (see map below). Cessnock City Council was established in 1860.

Cessnock is the gateway to the oldest wine growing region in Australia and home to award winning cellar doors and restaurants. The vineyards are a major entertainment hub playing host to major international acts. Accommodation and Food Services is now the region's largest industry sector employer taking over from its long history of coal mining. Cessnock CBD is the administrative, retail and service centre for the LGA, with Kurri Kurri town centre being an important secondary retail node and the industrial heart of the LGA.

The Cessnock LGA is located on the traditional lands of the Wonnarua people, the Awabakal people and the Darkinjung people. Within the lands of the Wonnarua (meaning 'land of hills and plains') Nation are many significant Aboriginal sites. The Cessnock LGA is home to many localities and places with Aboriginal names and histories. Many of the villages and localities in the LGA bear Aboriginal names, including Kurri Kurri (meaning 'the beginning' or 'the first'), Wollombi (meaning 'meeting place' or 'meeting waters'), Congewai, Nulkaba, Laguna and Kalingo.

European settlement dates back to the 1820s and has seen a diverse range of agricultural production, the rise and fall of heavy industry and the enduring influence of our world-class vineyards. The estimated resident population in the Cessnock LGA at 2021 is 63,632.



1.2 Basis of Constitution

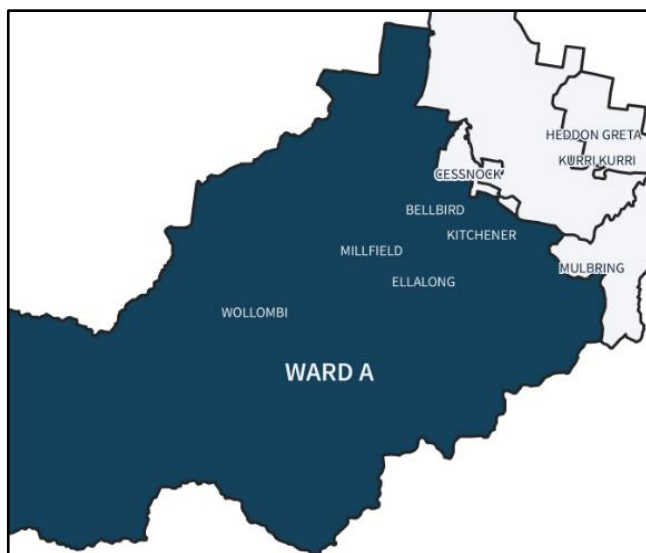
Council is constituted as a body politic of the State under section 220 of the [Local Government Act 1993 \(NSW\)](#) (the Act) and comprises elected representatives (Councillors) and administration (staff).

1.3 Organisation Structure and Resources

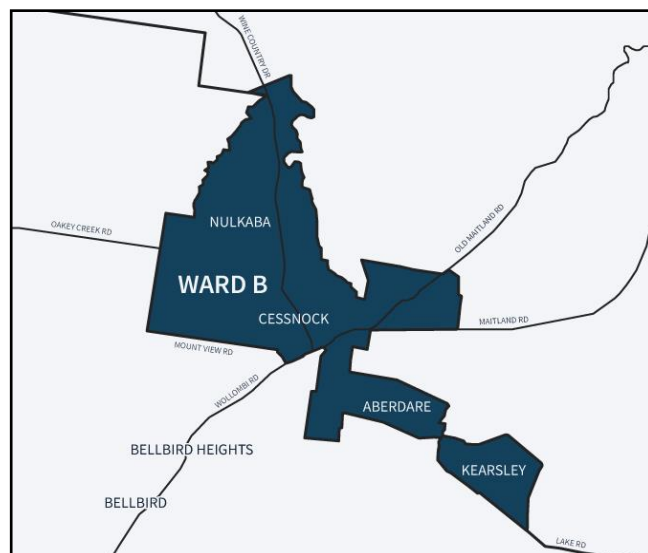
Council is divided into four wards and is governed by the body of Councillors who are elected by the residents and ratepayers of the City.

Council consists of a popularly elected Mayor and 12 Councillors who are elected from the four wards within the LGA, with three representatives from each ward. The elected representatives comprise the governing body of Council.

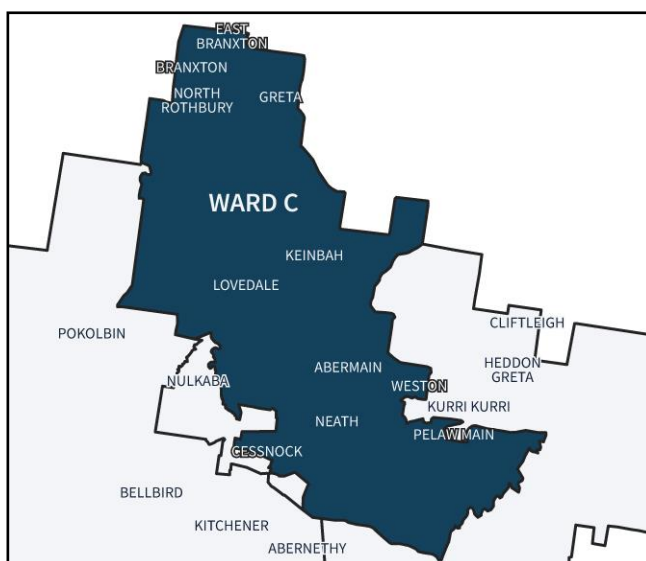
WARD A



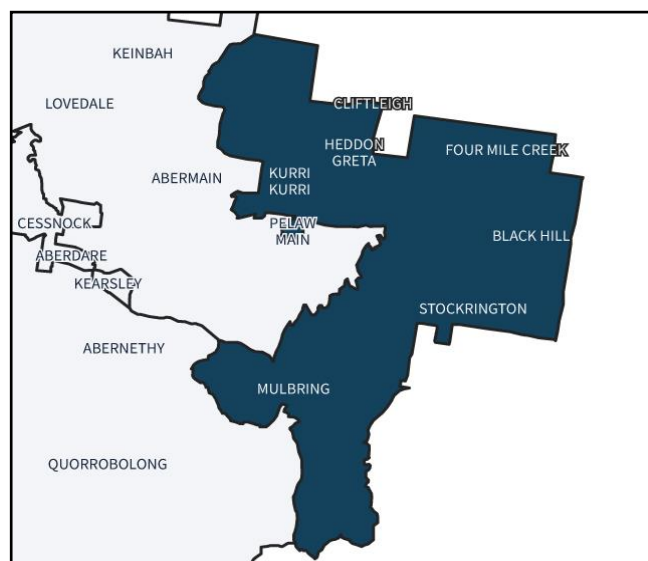
WARD B



WARD C



WARD D



1.3.1 Role of Governing Body as a whole

In accordance with section 223 of the Act, the role of the governing body is as follows:

- to direct and control the affairs of Council in accordance with the Act;
- to provide effective civic leadership to the local community;
- to ensure as far as possible the financial sustainability of Council;
- to ensure as far as possible that Council acts in accordance with the principle set out in chapter 3 and the plans, programs, strategies and policies of Council;
- to develop and endorse the [Community Strategic Plan \(CSP\)](#), delivery program and other strategic plans, programs, strategies and policies of Council;
- to determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the Council's resources to implement the strategic plans (including the **CSP**) of Council and for the benefit of the local area;
- to keep under review the performance of Council, including service delivery;
- to make decisions necessary for the proper exercise of the Council's regulatory functions;
- to determine the process for appointment of the General Manager by the elected Council and to monitor the General Manager's performance;
- to determine the senior staff positions within the [Structure of Council](#);
- to consult regularly with community organisations and other key stakeholders and keep them informed of Council's decisions and activities;
- to be responsible for ensuring that Council acts honestly, efficiently and appropriately.

As members of the governing body, and in the interests of ensuring the organisation operates effectively to achieve the best outcomes for the community, Councillors should endeavour to work constructively with council staff that are responsible for implementing council decisions. That is why the governing body works with the General Manager in directing and controlling the affairs of Council.

1.3.2 Role of individual Councillors

In accordance with section 232 of the Act, the role of Councillors is as follows:

- to be an active and contributing member of the governing body;
- to make considered and well-informed decisions as a member of the governing body;
- to participate in development of the [Integrated Planning and Reporting](#) framework;
- to represent the collective interests of residents, ratepayers and the local community, rather than individuals;
- to facilitate communication between the local community and the governing body;
- to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of Councillor.

A Councillor is accountable to the local community for the performance of the Council.

While Councillors are free, subject to their obligations under Council's [Code of Conduct](#), to advocate a position on matters that are before Council for a decision. Once a decision has been made, they are required to 'uphold' the policies and decisions of Council.

1.3.3 Role of the Mayor

The Mayor is popularly elected to the office of Mayor by the Cessnock community for the full term of Council, with Councillor Jay Suvaal elected as Mayor on 4 December 2021.

In accordance with section 226 of the Act, the role of Mayor is as follows:

- to be the leader of the elected Council and a leader in the local community;
- to advance community cohesion and promote civic awareness;
- to be the principal member and spokesperson of the governing body, including representing the views of Council as to its local priorities;
- to exercise, in cases of necessity, the policy-making functions of the governing body of Council between meetings of Council;
- to preside at meetings of Council;
- to ensure that the meetings of Council are conducted efficiently, effectively and in accordance with the Act;
- to ensure the timely development and adoption of the strategic plans, programs and policies of Council;
- to promote the effective and consistent implementation of the strategic plans, programs and policies of Council;
- to promote partnerships between the Council and key stakeholders;
- to advise, consult with and provide strategic direction to the General Manager in relation to the

implementation of the strategic plans and policies of the Council;

- in conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between the Council and the local Community;
- to carry out the civic and ceremonial functions of the mayoral office;

- to represent Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level;
- in consultation with Councillors, to lead performance appraisals of the General Manager;
- to exercise any other functions of Council that the elected Council determines.



1.3.4 Role of the General Manager

In accordance with section 335 of the Act, the General Manager has the following functions:

- to conduct the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council;
- to implement, without undue delay, lawful decisions of the elected Council;
- to advise the Mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the Council;
- to advise the Mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the Council and other matters related to the Council;
- to prepare, in consultation with the Mayor and the governing body, the Council's [Community Strategic Plan](#), [Community Engagement Strategy](#), Resourcing Strategy, [Delivery Program which incorporates the Operational Plan](#) and the [Annual Report](#);
- to ensure that the Mayor and other Councillors are given timely information, advice and the administrative and professional support necessary to effectively discharge their functions;
- to exercise any functions of the governing body that are delegated by the elected Council to the General Manager;
- to direct and dismiss staff;
- to implement the Council's [Workforce Management Strategy](#);
- any other function that are conferred or imposed on the General Manager by or under the Act or any other legislation



The General Manager provides the link between the elected Council and its staff. While all council staff have a duty to carry out Council decisions, they are responsible to the General Manager, not the Councillors. Individual Councillors cannot direct staff in their day-to-day activities. However, this is counter balanced by the responsibility of the General Manager to provide information, guidance and support to Councillors to make good decisions.

1.3.5 Senior Staff

The senior staff of Council is made up of the General Manager and three Directors. The directors assist the General Manager to exercise the functions of the General Manager as outlined above.

Senior staff oversee the execution of Council decisions and functions sub-delegated by the General Manager. In doing so, they regularly interact with Councillors but as the General Manager is the crucial link between Councillors and staff, Senior Staff play a leading role in implementing Council's [Councillor and Staff Interaction Policy](#). The purpose of this policy is to establish appropriate, effective and timely processes for Councillors to obtain information to enable them to perform their civic duties without impeding on the delivery of Council operations and without appearing to direct Council staff.

Meet the Directors



Corporate and Community Services

Robert Maginnity



Planning and Environment

Peter Mickleson

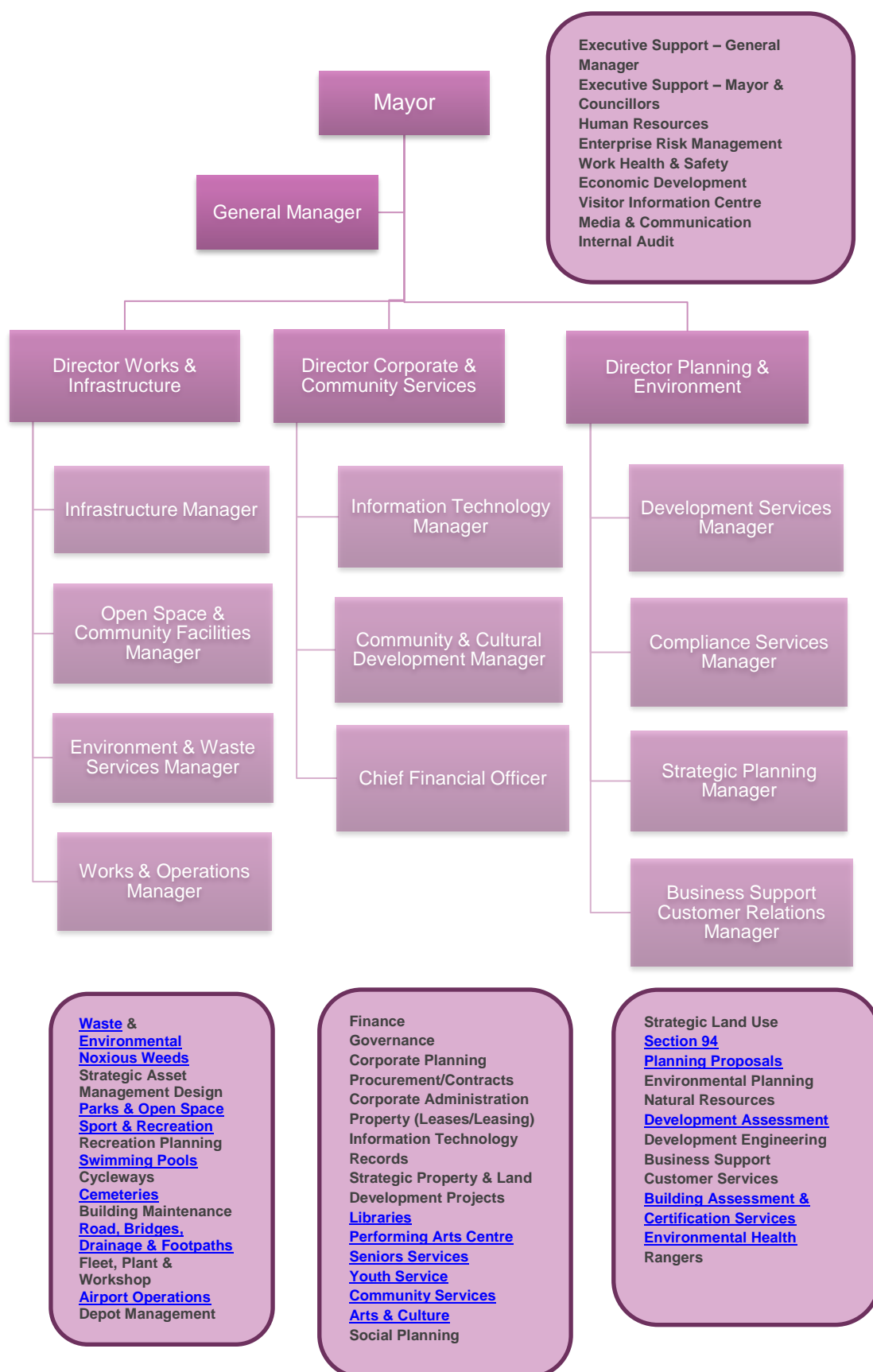


Works and Infrastructure

Cameron Clarke (Acting Works and Infrastructure Director)

Council's Organisational Structure:

Figure 1 Cessnock City Council Organisational Structure Chart



1.4 Functions of Council

Under section 21 of the Act, Council has functions conferred or imposed on it. These functions include:

Service Functions (Non-regulatory, Chapter 6)	<ul style="list-style-type: none">• provision of community health, recreation, education and information services• environmental protection• waste removal and disposal• land and property, industry and tourism development and assistance• civil infrastructure and planning• civil infrastructure, maintenance and construction.
Regulatory Functions (Regulatory Chapter 7)	<ul style="list-style-type: none">• approvals• orders• building certificates.
Ancillary Functions (Chapter 8)	<ul style="list-style-type: none">• resumption of land• powers of entry and inspections.
Revenue Functions (Chapter 15)	<ul style="list-style-type: none">• rates• charges• fees• borrowings• investments.
Administrative Functions (Chapters 11, 12 and 13)	<ul style="list-style-type: none">• employment of staff• management and community strategic plans• finance reports• annual reports.
Enforcement Functions (Chapters 16 and 17)	<ul style="list-style-type: none">• proceedings for breaches of the Act and other legislation• prosecution of offences• recovery of rates and charges.

1.5 Functions under other legislation

In addition to the Act, Council has powers under other Acts, and Regulations.

A to D	<ul style="list-style-type: none"> ▪ <u>Biodiversity Conservation Act 2016 (NSW)</u> ▪ <u>Biosecurity Act 2015 (NSW)</u> ▪ <u>Building Professionals Act 2005 (NSW)</u> ▪ <u>Civil Liability Act 2002 (NSW)</u> ▪ <u>Community Land Development Act 2021 (NSW)</u> 	<ul style="list-style-type: none"> ▪ <u>Companion Animals Act 1998 (NSW)</u> ▪ <u>Contaminated Land Management Act 1997 (NSW)</u> ▪ <u>Conveyancing Act 1919 (NSW)</u> ▪ <u>Crown Land Management Act 2016 (NSW)</u> ▪ <u>Dividing Fences Act 1991 (NSW)</u>
E to H	<ul style="list-style-type: none"> ▪ <u>Environmental Planning and Assessment Act 1979 (NSW)</u> ▪ <u>Environmental Offences and Penalties Act 1989 (NSW)</u> ▪ <u>Firearms Act 1996 (NSW)</u> ▪ <u>Fire and Rescue Act 1989 (NSW)</u> 	<ul style="list-style-type: none"> ▪ <u>Fluoridation of Public Water Supplies Act 1957 (NSW)</u> ▪ <u>Food Act 2003 (NSW)</u> ▪ <u>Government Information (Public Access) Act 2009 (NSW)</u> ▪ <u>Heritage Act 1977 (NSW)</u>
I to N	<ul style="list-style-type: none"> ▪ <u>Impounding Act 1993 (NSW)</u> ▪ <u>Library Act 1939 (NSW)</u> ▪ <u>Local Land Service Act 2013 (NSW)</u> 	<ul style="list-style-type: none"> ▪ <u>Major Events Act 2009 (NSW)</u> ▪ <u>National Parks and Wildlife Act 1974 (NSW)</u>
O to R	<ul style="list-style-type: none"> ▪ <u>Plumbing and Drainage Act 2011 (NSW)</u> ▪ <u>Privacy and Personal Information Protection Act 1998 (NSW)</u> ▪ <u>Protection of the Environment Operations Act 1997 (NSW)</u> ▪ <u>Public Health Act 2010 (NSW)</u> 	<ul style="list-style-type: none"> ▪ <u>Public Interest Disclosures Act 1994 (NSW)</u> ▪ <u>Public Interest Disclosures Act 2022 (NSW)</u> ▪ <u>Recreation Vehicles Act 1983 (NSW)</u> ▪ <u>Road Transport Act 2013 (NSW)</u> ▪ <u>Roads Acts 1993 (NSW)</u> ▪ <u>Rural Fires Act 1997 (NSW)</u>
S to W	<ul style="list-style-type: none"> ▪ <u>Smoke-Free Environment Act 2000 (NSW)</u> ▪ <u>State Emergency and Rescue Management Act 1989 (NSW)</u> ▪ <u>State Emergency Service Act 1989 (NSW)</u> ▪ <u>State Records Act 1998 (NSW)</u> ▪ <u>Strata Schemes Development Act 2015 (NSW)</u> ▪ <u>Strata Schemes Management Act 2015 (NSW)</u> ▪ <u>Swimming Pools Act 1992 (NSW)</u> 	<ul style="list-style-type: none"> ▪ <u>Transport Administration Act 1988 (NSW)</u> ▪ <u>Unclaimed Money Act 1995 (NSW)</u> ▪ <u>Waste Avoidance and Resource Recovery Act 2001 (NSW)</u> ▪ <u>Water Management Act 2000 (NSW)</u> ▪ <u>Work Health and Safety Act 2011 (NSW)</u> ▪ <u>Workplace Injury Management and Workers Compensation Act 1998 (NSW)</u>

Section 2

Impact of Council Functions on the Public

2.1 Broad Functions of Council affect the public

As a service organisation, the majority of the services Council offers have an impact on the public. The following is an outline of how the broad functions of Council affect the public.

Function	Description
Service	Services functions include the provision of human services such as libraries, halls, community, youth and cultural centres, recreation facilities and engagement activities such as Seniors Week, Youth Week, NAIDOC Week and school holiday programs. Council's infrastructure assets, including roads, bridges and drainage are fundamental to Council's business. Council's waste facilities program is highly valued by the community and includes removal of garbage, recycling and education. In supporting the development of our sporting, cultural, community and environmental care groups, Council facilitates a number of grant programs.
Regulatory	Regulatory functions regulate developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and ensuring not to endanger the lives and safety of any person.
Ancillary	Ancillary functions affect only some members of the public. These functions include, for example, the resumption of land or the power for Council to enter onto a person's land. In these circumstances, only the owner of the property would be affected.
Revenue	Revenue functions affect the public directly in that revenue from rates and other charges paid by the public are used to fund services and facilities provided to the community.
Administrative	Administrative functions do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the services provided.
Enforcement	Enforcement functions only affect those members of the public who are in breach of certain legislation. This includes matters such as non-payment of rates and charges, unregistered dogs and parking offences.
Development	The Cessnock LGA is a growth community and strategic planning is achieved in collaboration with government agencies, business, not for profit agencies and the community. Council assesses and processes a broad range of development applications and proposals.

Section 3

How Council engages with the Public

3.1 Representation

Council supports the principles of open government and encourages community involvement in policy development and general activities of Council.

There are two broad ways in which the public may participate in the policy development and, indeed, the general activities of Council. These are through community representation and participation.

Local Government in Australia is based on the principle of representative democracy. This means that the people elect representatives to their local Council to make decisions on their behalf. In NSW, local government elections are usually held every four years. The next election for Cessnock is to be held in September 2024.

At each election, voters elect 12 Councillors for a four-year term, however, the election in December 2021 was for a three-year term due to the delay of the election as a result of the COVID-19 pandemic. The Mayor of Cessnock is popularly-elected by the community. All residents of the area who are on the electoral roll are eligible to vote. Property owners who live outside of the area and rate paying lessees can also vote, but must register their intention to vote on the non-residential roll. Voting is compulsory for residents.

3.1.1 Community Representation

Councillors are the representatives of the community and residents are able to raise issues with the Councillors. Community engagement is a mechanism to assist Councillors to understand and incorporate the public will and community concerns into decision-making. Councillors can best help individual members of the community by satisfying themselves that their Council's policies are being carried out correctly.

If a Councillor thinks that a policy needs changing, they need to debate this in a full meeting of Council. It is inappropriate for a Councillor to informally attempt to ignore or alter a policy in order to satisfy the demands of special interest groups. Councillors may bring issues to the attention of Council by way of submitting a Notice of Motion or making general enquiries with the General Manager.

The contact details of the current elected members are:



Mayor
Jay Suvaal
Mobile: 0417 126 211
Email: jay.suvaal@cessnock.nsw.gov.au

Ward A



Councillor Jessica Jurd
Mobile: 0417 083 073
Email: jessica.jurd@cessnock.nsw.gov.au



Councillor Paul Dunn
Mobile: 0417 083 073
Email: paul.dunn@cessnock.nsw.gov.au



Councillor James Hawkins
Mobile: 0460 041 914
Email: james.hawkins@cessnock.nsw.gov.au

Ward B



Councillor Anthony Burke
Mobile: 0408 785 148
Email: anthony.burke@cessnock.nsw.gov.au



Councillor Ian Olsen
Mobile: 0408 333 583
Email: ian.olsen@cessnock.nsw.gov.au



Councillor John Moores
Deputy Mayor
Mobile: 0409 614 356
Email: john.moores@cessnock.nsw.gov.au

Ward C



Councillor Anne Sander
Mobile: 0408 970 625
Email: anne.sander@cessnock.nsw.gov.au



Councillor Karen Jackson
Mobile: 0409 254 894
Email: karen.jackson@cessnock.nsw.gov.au



Councillor Daniel Watton
Mobile: 0409 404 898
Email: daniel.watton@cessnock.nsw.gov.au

Ward D



Councillor Rosa Grine
Mobile: 0409 548 374
Email: rosa.grine@cessnock.nsw.gov.au



Councillor Mitchell Hill
Mobile: 0448 617 237
Email: mitchell.hill@cessnock.nsw.gov.au



Councillor Paul Paynter
Mobile: 0409 632 786
Email: paul.paynter@cessnock.nsw.gov.au



3.1.2 Community Participation

Members of the community are encouraged to have a say in what Council does as community participation in Council is a major focus of the Act. Councils are encouraged to be open and accountable to the community. This is achieved by people having appropriate access to information, voting in polls and referendums, making submissions to Council, community research surveys and by Council meetings being open to the public.

Council's [‘Have your say’ website](#) is regularly updated with notifications and information on Council's activities, meeting agendas and business papers. The website also publishes notices and exhibitions, tenders, news items, events and many Council documents and reports. The website is reviewed and updated on a regular basis to ensure information is accurate and timely. Council also provides information on Council activities, decisions and programs in the local media and social media channels.

3.1.3 Council Meetings

The elected Council considers policy matters at Council meetings which are open to the public. Members of the public are able to attend Council meetings in person which are held on the third Wednesday of each month between February and mid-December each year commencing at 6:30pm in the Council Chambers at 62-78 Vincent Street, Cessnock. To assist in community participation, Council meetings are live streamed, with a link via [Council's Facebook](#). Council meeting agendas, minutes and recordings can be accessed on Council's [website](#).

3.1.4 Open Forum/Public Access

Council uses many different techniques for consultation, allowing members of the public to participate in policy formulation. The nature of the issue under consideration by Council determines the best consultation technique/s for that particular issue. Council's [Code of Meeting Practice](#) makes provision for members of the public to address Council meetings for matters under consideration at that meeting and prescribes the framework for their participation. More information about addressing Council meetings can be found on Council's [website](#).

3.1.5 Council Committees

There are also avenues for members of the public to personally participate in the policy development and the functions of Council. Several Council committees comprise or include members of the public.

The following Advisory Committees have been established by the elected Council as at 20 April 2022.

- Aboriginal and Torres Strait Islander Committee**
- Audit and Risk Committee (*statutory committee**)
- Community Engagement, Awards and Grants Committee**

- Floodplain Management Committee (*statutory committee**)
- Local Traffic Committee (*statutory committee**)
- Roads Review Committee
- Strategic Property and Community Facilities Committee

**Statutory Advisory Committees are governed by external guidelines which are embedded in their own Terms of Reference. Although the role of such committees is mainly advisory, they may have authority to perform some additional functions as allowed by their governing legislation.*

***Council calls for nominations on its website as vacancies become available for these Advisory Committees.*

3.1.6 Public Submissions

All significant plans, strategies and policies of Council are placed on public exhibition, in draft form, prior to their adoption, so that interested members of the public may view and make comments/submissions. Exhibition documents are available at Council's customer service centre and on Council's website. Submissions should be addressed to:

✉ Public Officer
Cessnock City Council
PO Box 152
Cessnock NSW 2325

☎ (02) 4993
4100 publicofficer@cessnock.nsw.gov.au

3.2 Community Engagement

The General Manager is a strong advocate for community engagement, stating “As a Council, we work for the community and I believe it’s so important to have open communication and involve residents in our decision making.”

Council adopted its [Community Engagement Strategy](#) in September 2020 and will help you understand when and how you can influence Cessnock City Council's decision making. The Strategy outlines Council's commitment to community engagement and sets a strategic direction that aims to increase opportunities for genuine participation.

Community members can also stay up to date on news and media by accessing the following websites and social media accounts utilised by Council:



3.3 Feedback and Complaints

Council welcomes feedback and complaints about our services, systems, procedures and complaint handling. Our General Manager sees the value in feedback and complaints, and [states](#) *“We’re committed to continuous improvement and will continue to look for opportunities to create efficiencies for our community.”*

Feedback and complaints can be provided in writing using any of the contact methods outlined in clause 5 of this Agency Information Guide, or in accordance with [Council’s Complaint Handling Policy](#) by completing the [online form](#) on Council’s website.



Section 4

How to Access Council Information

Council is committed to the principle of open and transparent government as these are crucial for effective democracy. Our General Manager supports the notion of shared data and that it can benefit both government and the community it serves, ultimately improving government, empowering citizens, creating opportunities and solving problems. Committed to creating a leadership culture that promotes openness and responsible stewardship of information, our General Manager places great emphasis on Council sharing information pursuant the GIPA Act and uphold the rights of individuals.

The GIPA Act establishes a comprehensive system for public access to government information. The objective of the GIPA Act is to open government information to the public by:

- authorising and encouraging the proactive public release of government information by agencies
- giving members of the public an enforceable right to access government information
- providing that access to government information is restricted only when there is an overriding public interest against disclosure.

The system for public access to government information is overseen by the Information and Privacy Commission (IPC). The IPC's role includes promoting public awareness and understanding of the GIPA Act, dealing with complaints about government agencies and providing advice and assistance to agencies and the public. Further information is available from the [IPC's website](#).

The GIPA Act complements other legislation by which the public can access information held by government. It does not detract from any other rights of access to information that exist under other legislation or policies. Other legislation that may be particularly relevant includes:

- The [Privacy and Personal Information Protection Act 1998 \(NSW\)](#), which allows individuals to obtain access to, and to apply for amendment of, information held about them by NSW Government agencies.
- The [Court Information Act 2010 \(NSW\)](#), which provides for public access to information held by courts about judicial proceedings (for more information visit [Communities and Justice website](#)).

Councillors' access to Council information is governed by Council's [Councillor and Staff Interaction Policy](#) that complements the Code of Conduct.

Council holds information in various formats in respect of a wide range of functions undertaken by it and information which is pertinent to different issues relating to the Cessnock LGA.

Council has an electronic file system which has been in place since 2004, and prior to this Council had a hardcopy filing system. These files are often kept offsite at a records repository. Hardcopy files held by Council include general subject files, development and building files, property files as well as street and park files.

A great number of documents containing information and open access data are accessible on Council's [website](#) or upon request, however, Council is always working towards making more "Open Access Information" (as defined below) available in this way, unless there is an overriding public interest against disclosure of the information as outlined in section 14 of the GIPA Act. This information may be made available either by informal release or via an access application in accordance with sections 7-9 of the GIPA Act. Members of the public who require an informal release can do so by contacting Council on (02) 4993 4100 or by visiting Council's [website](#).

There are four main ways in which Council may facilitate access to information:

- mandatory release
- proactive release
- informal release
- formal access application.

Any applications made under the GIPA Act will be processed in accordance with the requirements of this Act.

4.1 Mandatory Release

The following documents are defined as "Open Access Information" under Section 18 of the GIPA Act and will be released without the need for a Formal access application under this Act (most available on Council's [website](#)):

OPEN ACCESS INFORMATION	<ul style="list-style-type: none">▪ Council's Agency Information Guide,▪ Information about Council contained in any documents tabled in Parliament by, or on behalf of Council, other than any document tabled by order of either House or Parliament,▪ Council's Policy documents,▪ Council's Disclosure Log of Formal access applications,▪ Council's Register of current Contracts,▪ Council's record of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure, and▪ Such other government information as may be prescribed by the GIPA regulations as open access information.
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Schedule 1 of the [Government Information \(Public Access\) Regulation 2018 \(NSW\) \(GIPA Regulation\)](#) also stipulates that the following additional documents are to be provided as open access information by Council:

OPEN ACCESS INFORMATION – Schedule 1 GIPA Regulations	SECTION	DESCRIPTION
	<i>Information about Council</i>	<ul style="list-style-type: none"> ▪ Code of Conduct and Procedures for the administration of the Code of Conduct ▪ Code of Meeting Practice ▪ Annual Report ▪ Annual Financial Report ▪ Auditor's Report ▪ Equal Employment Opportunity (EEO) Management Plan ▪ Community Strategic Plan ▪ Delivery Program and Operational Plan ▪ Councillor Expenses and Facilities Payment of expenses and the provision of facilities to Councillors Policy ▪ Annual reports of bodies exercising functions delegated by Council; ▪ Any codes referred to in the Act ▪ Returns of interest of Councillors, Designated persons and Delegates ▪ Agendas and Business Papers for Council and Committee Meetings ▪ Minutes of Council and Committee Meetings ▪ Departmental Representative Reports presented at a Meeting of Council ▪ Council's Land Register ▪ Register of Investments ▪ Register of Delegations ▪ Register of Graffiti removal works ▪ Register of current Declarations of Disclosures of Political Donations ▪ Register of Voting on Planning Matters.
	<i>Plans and Policies</i>	<ul style="list-style-type: none"> ▪ Local policies adopted by Council concerning approvals and orders ▪ Plans of management for community land ▪ Environmental Planning Instruments, Development Control Plans.
	<i>Information about Development Applications</i>	<ul style="list-style-type: none"> ▪ Development Applications and any associated documents received in relation to a proposed development including the following (Note: Access to DAs lodged prior to 1 July 2010 require a Formal Access Application in accordance with Schedule 1, Clause 3 (2)(c) of the GIPA Regulation) ▪ Home Warranty Insurance documents ▪ Construction Certificates ▪ Occupation Certificates

OPEN ACCESS INFORMATION – Schedule 1 GIPA Regulations		<ul style="list-style-type: none"> ▪ Structural Certification Documents ▪ Town Planner Reports ▪ Submissions received on Development Applications ▪ Heritage Consultant Reports ▪ Tree Inspections Consultant Reports ▪ Acoustic Consultant Reports ▪ Land Contamination Consultant Reports ▪ Records of decisions on Development Applications including decisions on appeals ▪ Records describing general nature of documents that Council decides to exclude from public view including internal specification and configurations, and commercially sensitive information.
	This clause does not apply to so much of the information referred to above as consists of:	
	<i>Approvals, Orders and Other Documents</i>	<ul style="list-style-type: none"> ▪ Plans and specifications for any residential part of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, or ▪ Commercial information, if the information would likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret.
		<ul style="list-style-type: none"> ▪ Applications for approvals under Part 1 Chapter 7 of the Act ▪ Applications for approvals under any other legislation and any associated documents received ▪ Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decision made on appeals concerning approvals ▪ Orders given under Part 2 of Chapter 7 of the Act and any reasons given under section 136 of the Act ▪ Orders given under the authority of any other legislation ▪ Records of Building Certificates issued under the Environmental Planning and Assessment Act 1979 (NSW) ▪ Plans of land proposed to be compulsorily acquired by Council ▪ Compulsory Acquisition Notices ▪ Leases and licenses for use of public land classified as community land ▪ Performance improvement orders issued to Council under Part 6 of Chapter 13 of the Act.

Council may provide you with the name and postal address of your adjoining neighbours upon application for the purpose of sharing of expenses to construct or repair a dividing fence in accordance with the [Dividing Fences Act 1991 \(NSW\)](#).

To apply for adjoining owners contact details you will need to complete the [Informal GIPA Dividing Fences Request Form](#). Please note, you will be required to provide photo identification with your application.

4.2 Proactive Release

In addition to open access information, Council will make as much other information as possible publicly available, unless there is an overriding public interest against disclosure.

Such information may include information frequently requested or information of public interest that has been released as a result of other requests.

4.3 Informal Release

Access to information which is not available as mandatory public release (open access) or proactive release may be provided through informal release.

Council generally releases other information in response to an informal request subject to any reasonable conditions as Council thinks fit to impose.

As per proactive release methods, Council is authorised to release information unless there is a public interest against disclosure.

To enable the release of as much information as possible, Council is also authorised to redact content from a copy of information to be released, if the inclusion of the redacted information would otherwise result in an overriding public interest against disclosure.

Application should be made to Council by submitting an [Informal Access Request](#) form, available on Council's website or by phoning Council on (02) 4993 4100.

Under informal release, Council has the right to decide by what means information is to be released and what conditions are imposed on it.

4.4 Formal Access

Prior to lodging a [formal access application](#), a person seeking information from Council should check if the information being sought is already available on Council's [website](#) or could easily be made available through an informal request application.

A formal access application is required in the following circumstances:

- if information is not available via open access, proactive or informal release
- the request involves a large volume of information
- the request requires extensive research and accordingly will involve an unreasonable amount of time and resources to produce
- the request contains personal or business information about third parties which may require consultation
- the request is of a sensitive nature that requires careful weighing of the consideration in favour of and against disclosure.

Council requires a formal access application form to be submitted and accompanied by the prescribed application fee of \$30. Additional \$30 per hour processing charges may be applicable.

Please note, an application will be invalid if it seeks access to excluded information of Council or does not meet the requirements for a formal access application.

A [formal access application](#) must:

- be in writing
- specify it is made under the GIPA Act
- state an Australian Postal address or email address
- be accompanied by the \$30 fee
- provide sufficient detail to enable Council to identify the information requested.

Processing charges may apply in accordance with Council's [Fees and Charges](#), including processing and photocopy charges, depending on the type and amount of information sought.

Payment of an advance deposit may be required for an amount of up to 50% of estimated processing charges in accordance with sections 68-71 of the GIPA Act.

A written acknowledgement of the receipt of a formal application will be provided within five working days.

4.5 Deciding Access Applications

Formal access applications will be assessed and determined, and the applicant will be advised within 20 working days after receipt of the application.

The decision period may be extended where consultation with a third party is required or if records need to be retrieved.

A request for an advance deposit may also extend the statutory time period. The applicant will be notified of the decision in writing.

Any decision to refuse access will include reasons for the decision. If charges are payable, access will be given to the information only when the payment has been received.

4.5.1 Public Interest Test

Under the GIPA Act, all government agencies must disclose or release information unless there is an overriding public interest against disclosure.

Referred to as applying the 'public interest test' requires government agencies to consider balancing factors for and against of each piece of government information. This balancing must be undertaken within the context of the GIPA Act.

In deciding what information to release, Council will apply the public interest test which involves:

-
- identifying the relevant public interest considerations in favour of disclosure
 - identifying the relevant public interest considerations against disclosure.

Council determines the weight of the public interest considerations in favour and against disclosure and whether the factors favouring non-disclosure are strong enough to outweigh the factors in favour of disclosure (considering the presumption in favour of disclosure).

Section 14 of the GIPA Act provides an exhaustive list of public interest considerations against disclosure. These are the only considerations against disclosure decision makers can consider in applying the public interest test:

- responsible and effective government
- law enforcement and security
- individual rights, judicial processes and natural justice
- business interests of agencies and other persons
- environment, culture, economy and general matters
- secrecy provisions specifically provided in legislation
- exempt documents under interstate Freedom of Information legislation.

4.6 Fees and Charges

The GIPA Regulation requires that open access information held by Council is to be made publicly available for inspection, free of charge although you may have to pay reasonable photocopying charges if you want your own hard copy as set out in Council's schedule of [Fees and Charges](#).

Simple requests that can be satisfied by reference to an entry in a register or an online open access document can usually be provided on the spot at no charge, however, a more complex request, where the file/s are held off-site, it contains sensitive/confidential information, or will take significant Council resources to provide the information may require you to complete a [formal access application](#) to allow Council to process your request.

Council's statutory responsibilities and legal obligations may restrict or prohibit the inspection of certain documents, files or information and, in some cases, may prevent Council from providing a copy of the information. Council will inform you if this applies.

The formal access application fee is \$30 Applicants may be entitled to a 50% reduction of processing charges on financial hardship grounds, or may be entitled to a waiver of the fee if the information requested is of special benefit to the public generally.

Applicants may be asked to pay a processing charge. Processing information access applications costs \$30 per hour and covers time needed to deal efficiently, compliantly and accurately with the application.

Requests for advance deposit must be in writing and the applicant must be given at least four weeks to pay. If an applicant seeks access to his or her own personal information, the first 20 hours of processing time are free of charge.

4.7 Review Rights

There are a number of review rights under the GIPA Act outlined in Part 5. If an applicant is refused access to information, a number of options are available:

- seek an internal review by Council
- contact the IPC for a review of the Council decision
- contact the NSW Civil and Administrative Decisions Tribunal (NCAT) to request a review.

Application for internal review must be made within 20 working days of the notice of the decision being given to the applicant and must be accompanied by an application for internal review and a fee of \$40.

The review will be undertaken by a senior officer who was not involved in making the original decision. A determination from an internal review will be issued within 15 working days. This may be extended by up to 10 working days where there is a need to consult with new third parties. Alternatively, an applicant can appeal directly to the IPC or the NCAT.

Applicants have 8 weeks from the date of the original decision being given to them to ask for this review. If the applicant has already had a review by the IPC, they have 4 weeks from the date that the decision was given to them to make an application to the NCAT.

4.8 Copyright

Nothing in the GIPA Regulation nor the GIPA Act requires or permits Council to make open access information available in any way that would constitute an infringement of copyright (Section 6.6 of the GIPA Act).

Access to copyright documents will be granted by way of inspection only, unless the copyright owner's written consent is provided to Council. Where authority is unable to be obtained or the copyright owner is not able to be contacted, copies of copyright material will not be provided. These documents include Plans/Drawings, consultant reports, Statements of Environmental Effects and other miscellaneous reports submitted with an application under the [EP& A Act](#) (please note that this list is not definitive).

4.9 Open Data

Open Data simply means information that an organisation holds digitally that should be made freely available to the community, so that anyone who accesses the data is then free to use it, rearrange it and publish it as they wish, without the restrictions of copyright or original authorship or ownership.

There are many Government based open data initiatives in Australia:

- The NSW Government Open Data portal can be accessed [here](#)
- The Federal Government Open Data Portal can be accessed [here](#)

Open Data operates in conjunction with the GIPA Act and is a central element of two of the four main ways Council may facilitate access to information:

- mandatory release
- proactive release.

A similar position is taken in the context of Open Data, as Council endeavours to continue to provide access to open information on its website. Council is an advocate of the Government's Open Data initiative.

Section 5

How to Access Council Information

As noted above, Council has a vast range of documents that can be accessed in varying ways. Most documents can be inspected at and obtained from Council's Administration office between the hours of 9am and 5pm, Monday to Friday (except public holidays). Where Public Health Order restrictions are imposed on the Cessnock LGA, Council will provide relevant information about Council's operations and services on its website and via its social media channels.

For further enquiries about any document, contact Customer Services on 02 4993 4100. If you experience any difficulty in obtaining documents or information or you have questions or feedback, you should contact Council's Public Officer via [e-mail](#) or as outlined in [5.2](#) below.

5.1 Public Officer | Privacy Contact Officer | Right to Information Officer

The position of the Director of Corporate and Community Services has been appointed as Council's Public Officer. Amongst other duties, the Public Officer may deal with requests from the public concerning Council's affairs and has the responsibility of assisting people to gain access to public documents of the Council.

The Public Officer is also Council's Privacy Contact Officer and Council's Right to Information Officer, and as such is responsible for determining applications for access to documents or for the amendment of records.

Council has in place a [Privacy Management Plan](#) for dealing with private or personal information. If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to the Public Officer.

Also, if you would like to amend a document of Council which you feel is incorrect, it is necessary for you to make a written application found on [Council's website](#) to the Privacy Contact Officer in the first instance. This will be undertaken pursuant to the provisions of the [PIPP Act](#) as outlined in part [4](#) of this guide.

5.2 Access to Information Officers

✉ Public Officer
Cessnock City Council
PO Box 152
Cessnock NSW 2325
☎ (02) 4993 4100
📧 publicofficer@cessnock.nsw.gov.au

In addition to the Public Officer, the following are Council's Access to Information Officers under the GIPA Act:

- Governance Coordinator
- Senior Legal and Governance Officer
- Access to Information and Governance Officer
- Senior Governance and Finance Officer

Primarily, it is the Council's Access to Information and Governance Officer who is responsible for processing formal access applications lodged with Council amongst other duties, however, other Council staff who are deemed as Access to Information Officers, can and do perform functions of releasing information under the GIPA Act, usually on an informal basis.

Feedback or questions should be addressed as follows:

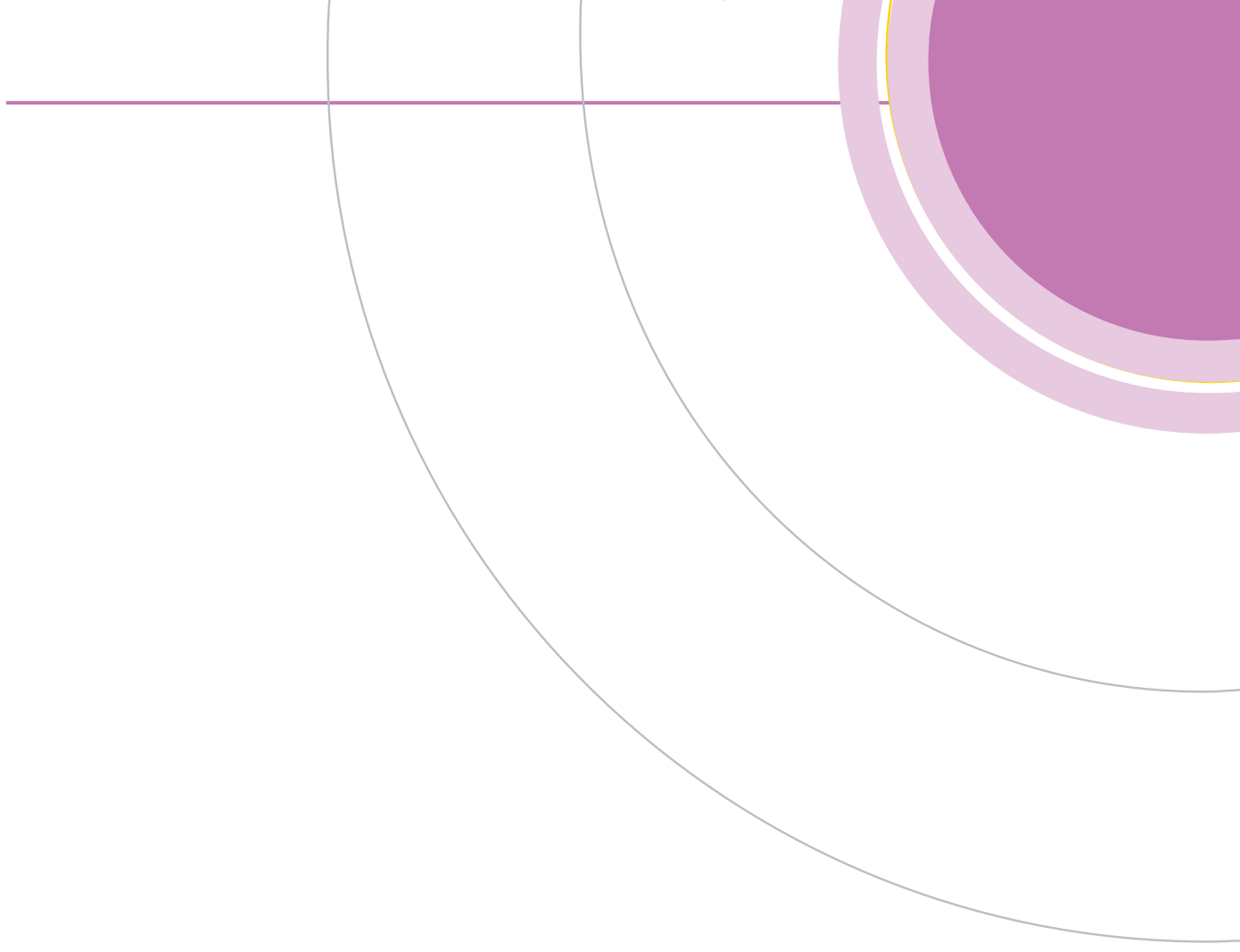
5.3 Information and Privacy Commission (IPC)

The IPC oversees the GIPA Act, GIPA Regulation and *Government Information (Information Commissioner) Act 2009* (GIIC Act). The IPC provides information on the right to access information.

The IPC can be contacted via:



✉ Level 17, 201 Elizabeth
Street
GPO Box 7011
SYDNEY NSW 2000
☎ (02) 811 4375 or 1800 472
679
📧 ipcinfo@ipc.nsw.gov.au



62-78 Vincent Street
Cessnock, NSW
Australia



Contact:
tel:0249934300
tel:0249934100



Online help:
council@cessnock.nsw.gov.au
<http://www.cessnock.nsw.gov.au>